

## REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 14, 2005. At the time of the Office Action, Claims 1-9 were pending in this Application. Claims 1, 3, 5, and 6 were rejected. Claims 2, 4 and 7-9 were objected to. Claim 3 has been amended to further define various features of Applicant's invention. Applicant respectfully requests reconsideration and favorable action in this case.

### Claim Objections

The Examiner has objected to Claims 3 and 6 due to informalities. Applicant amends Claim 3 to overcome these objections by defining the diagnose circuit as shown in Fig. 1 with numeral 6. Applicant believes that claim 6 does not require any amendments because this claim refers to a method claim and does not require any structural recitation.

### Rejections under 35 U.S.C. §103

Claims 1, 3, and 5-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,666,090 issued to Akira Mori et al. ("Mori et al.") in view of European Patent 0973258 filed by Garrard ("Garrard"). Applicant respectfully traverses and submits the cited art combinations, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the

reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

The Examiner stated that Mori discloses an arrangement with an electromagnetic sensor. Applicant respectfully disagrees. Mori discloses a piezoelectric sensor 100 which serves as a vibrator. See col. 1, lns. 24-40. A piezoelectric sensor, however, is not an electromagnetic sensor and has a completely different characteristic. Thus, a person skilled in the art would never consider Mori.

The Examiner further stated that Mori discloses a external excitation by means of a constant current. Applicant respectfully disagrees. Mori does neither disclose nor suggest to provide for an external excitation via a current. The sensor circuit 200 merely includes two current amplifiers which amplify currents provided by the sensor. Mori discloses, contrary to the present invention, to provide a driving voltage to sensor 100. See col. 1, lns. 56-65.

The Examiner also stated that Mori discloses a transconductance amplifier. Applicant respectfully disagrees. Mori merely discloses a direct current amplifier. See col. 2, lns. 21-24. Mori neither mentioning or suggesting that the amplifier 430 should be designed as a transconductance amplifier.

The Examiner further stated that Mori discloses a Schmitt trigger in parallel with a voltage comparator. Applicant respectfully disagrees. Mori merely shows a single voltage comparator 633.

Thus, contrary to the Examiner's evaluation of Mori, none of these limitations are met by Mori. Therefore, Applicant believes that all independent Claims are allowable. Applicant respectfully submits that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicant respectfully requests reconsideration and allowance of the dependent Claims. Applicant reserves the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

### **Allowable Subject Matter**

Applicant appreciates Examiner's consideration and indication that Claims 2, 4 and 7-9 would be allowable if rewritten in independent form to include all of the limitations of the

base claim and any intervening claims. However, as stated above Applicant believes that all claims are allowable as discussed above.

**Information Disclosure Statement**

Examiner crossed out and did not consider Reference Numbers 2-7 (DT 2446193, DE3543058, DE4207371, DE10030485, DE19707263, and DE19924113) listed in the Information Disclosure Statement and PTO-Form 1449 filed April 21, 2004. Applicant respectfully resubmits these references for reconsideration, along with the English Abstract and/or U.S. Patent counterparts, if applicable, in the enclosed new Information Disclosure Statement and PTO Form 1449, along with a check in the amount of \$180.00, for the Examiner's review and reconsideration. With respect to DT 2446193, Applicant reviewed this document and believes that it is not relevant to the present application as it merely constitutes background art.

<b><u>Foreign Patent</u></b>	<b><u>U.S. Equivalent</u></b>
DT 2446193	None.
DE3543058	U.S. Patent 4,764,685
DE4207371	English Abstract
DE10030485	U.S. Patent 6,232,770
DE19707263	U.S. Patent 6,279,375
DE19924113	U.S. Patent 6,552,531

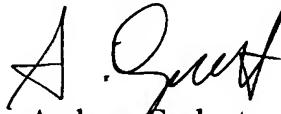
### CONCLUSION

Applicant has made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of all pending Claims.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2545.

Respectfully submitted,  
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Limited Recognition Under 37 C.F.R. §11.9(b)

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